

Docket No. 1759.070

REMARKS

Claims 1-5 were originally presented in the application as filed, and were cancelled in a preliminary amendment filed therewith. Claims 6-14, based on original claims 1-5 were presented in the same preliminary amendment, and are currently pending.

The Office Action acknowledges applicants' claim for foreign priority, and notes that a certified copy of the priority document has not been received by the USPTO. This reminder is appreciated by applicant. A certified copy of FR 99.10146 has been ordered, and will be filed as soon as possible.

Rejections Under 35 U.S.C. §103

Claims 6-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gessner *et al.* (U.S. Patent No. 4,287,248) in view of Jackson *et al.* (GB 1,095,393). The rejection is traversed.

Gessner relates to a roof sheet composed of a reinforced fleece, metal foil and bitumen (Abstract). The fleece is attached to the foil and the surface of the fleece/foil composite is bituminized (claim 1). Claim 6 is now amended to recite a "material for producing membrane roofing sheets, comprising: a textile backing (T); a top layer (4) comprising at least one thermoplastic polyolefin resin, covering one side of the textile backing (T), and intimately bonded thereto; a thin metal foil located on a side of the textile backing (T) opposite the top layer (4); and a bitumen layer attached to the thin metal foil; wherein at least part of a thickness of the textile backing (T) is embedded within the top layer (4) and the thermoplastic polyolefin resin is separated from contact with bituminous material by the metal foil" (emphasis added). Support for the amendment may be found in the specification on page 4, lines 14-21. One of the advantages of the present invention is that the appearance and especially the color of the material (*i.e.*, of the top layer of the material) can be varied (page 2, line 36 –page 3, line 5). The desirable appearance of the top layer is achieved in the material of the present invention by positioning a metal foil between the top layer and the bitumen to prevent migration of plasticizer from the bituminous layer into the top layer. These plasticizers are very dark in color, and blocking migration into the top layer avoids any undesirable color change.

Gessner is silent regarding a composite containing a polymer layer that is separated from contact with bitumen or a bituminous composition, as it describes a composite structure coated on both faces with bitumen (Example 1, Comparative Example). This deficiency is not supplied

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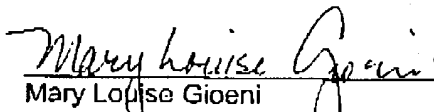
by Jackson. Rather, in the Jackson patent, polyethylene was mixed with bitumen to yield an adhesive composition that was coated on an aluminum foil substrate (page 1, line 45 – page 2, line 16). Because the deficiency of Gessner is not supplied by Jackson, applicants respectfully submit that the combination of the two references cannot result in the claimed invention, and claims 6-9 are not obvious over the combination. It is believed that the rejection is hereby overcome.

Claim 10 is rejected over Gessner in view of Jackson, in further view of Pullar (U.S. Patent No. 1,248,909); claims 11 and 12 are rejected over Gessner in view of Jackson, in further view of Glassco *et al.* (U.S. Patent No. 4,879,850); and claims 13-14 are rejected over Gessner in view of Jackson, in further view of Kassner *et al.* (U.S. Patent No. 6,503,853). The rejections are traversed.

The teachings of the Gessner and Jackson references are discussed above. Pullar relates to a composite made up of a slab of a bituminous compound impregnated with cloth on either or both sides (col. 3, lines 9-19). Glassco relates modular building construction, and makes no mention of bitumen. Kassner relates to a textile lattice having bitumen applied thereto (col. 4, lines 5-10).

Claims 10-14 depend from claim 6, and contain the newly-added limitation thereof, wherein the thermoplastic polyolefin resin is separated from contact with bituminous material by the metal foil. As noted above, both Gessner and Jackson are silent regarding a material having a layer separated from contact with bitumen. None of the tertiary references supply this deficiency. Therefore, applicants submit that claims 10-14 are not obvious over the combination of the references cited against them. It is believed that the rejections are hereby overcome.

Respectfully submitted,


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